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March 2, 2022

VIA ECF

Hon. Julien Xavier Neals, U.S.D.J.
U.S. District Court, District of New Jersey
50 Walnut Street
Court Room MLK 5D
Newark, NJ 07101

**Re: Case No. 2:20-cv-18906-JXN
Kopelman & Kopelman LLP v. John Patrick O'Grady, et als.**

Dear Judge Neals:

Kopelman & Kopelman LLP is the Appellant in the above captioned consolidated bankruptcy appeal.

On December 7, 2021 we filed a request for oral argument (Document 35). The Court indicated that there would be no oral argument unless the Court later requested it and, if so, the Court would advise of the date time and place therefor. We have not been advised that oral argument has been scheduled.

Decision on the second appeal filed was scheduled by the Clerk for 12/20/21 but this was before the appeals were consolidated on 10/6/21 (Document 22). No opinion has been rendered to date.

On February 18, 2022 the property which is the subject matter of these consolidated appeals was sold by the Chapter 7 Trustee John W. Sywilok with a net to the estate of \$320,964.82 at closing. See Trustee's Report of Sale (Doc 283) attached hereto as **Exhibit A**.

Pursuant to paragraph 7 of Bankruptcy Judge Sherwood's order entered 2/8/22 authorizing the sale (Doc 274), attached hereto as **Exhibit B**, a hearing is scheduled

before the Bankruptcy Court on 4/5/22 with regard to distribution of any proceeds to alleged lien creditor, Appellee Barry R. Donaldson. This date was chosen by Bankruptcy Judge Sherwood with the expectation that the pending consolidated appeal before Your Honor would be decided before then. Judge Sherwood recognizes that it is necessary for Your Honor to clarify and simplify the further administration of this bankruptcy case by rendering your opinion before the 4/5/22 Bankruptcy Court hearing takes place.

I am therefore hereby renewing my request for oral argument and respectfully requesting that Your Honor set the matter down for oral argument as soon as the court's calendar permits.

Thank you for your kind consideration.

Respectfully submitted,

Appellant KOPELMAN & KOPELMAN LLP

By: /s/Michael S. Kopelman
Michael S. Kopelman, Esq.

cc: via *ECF* and e-mail: Hon. John K. Sherwood USBJ; Scott S. Rever, Esq.; John W. Sywilok, Esq.; John P. Di Iorio, Esq.; Brian Hofmeister, Esq.

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in compliance with D.N.J. LBR 9004-2© John W. Sywilok, Esq. (JS 2289) John W. Sywilok LLC 52 Main Street Hackensack, NJ 07601 (201) 487-9390 Chapter 7 Trustee	Chapter 7
In Re: JOHN PATRICK O'GRADY Debtor.	Case No. 19-19513 Judge: John K. Sherwood

TRUSTEE'S REPORT OF SALE

DATE OF SALE: February 18, 2022

TYPE OF SALE: Private Sale on Notice to Creditors and Parties in Interest and Order of the Bankruptcy Court

PROPERTY SOLD: Real Property located at: 91 Midvale Mountain Road, Mahwah, NJ 07430

PURCHASERS: Agim Rrukaj, Arta Rrukaj, Gjergi Rrukaj and Nicky Rrukaj

PURCHASE PRICE: \$1,018,000.00

LIENS PAID FROM SALE: \$643,716.87; Bank of America to be paid on their mortgage in future.

NET TO ESTATE: \$320,964.82 at closing.

BANK WHERE NET TO ESTATE IS INVESTED: Metropolitan Commercial Bank

CLOSING STATEMENT ATTACHED

Dated: 02/28/2022

/s/ John W. Sywilok
John W. Sywilok, Trustee

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

JOHN W. SYWILOK, ESQ. (2289)
John W. Sywilok LLC
52 Main Street
Hackensack, NJ 07601
Tel: 201 487-9390
John W. Sywilok, Chapter 7 Trustee Pro Se



Order Filed on February 8, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

JOHN PATRICK O'GRADY

Debtor

CHAPTER 7

CASE NO. 19-19513

JUDGE: JOHN K. SHERWOOD

Hearing Date: 02/01/22 @ 10:00 a.m.

**ORDER AUTHORIZING SALE OF REAL ESTATE FREE AND CLEAR OF LIENS
WITH LIENS, IF ANY TO ATTACH TO PROCEEDS**

The relief set forth in the following pages two (2) through (3) is hereby **ORDERED**.

DATED: February 8, 2022

A handwritten signature in dark ink, appearing to read "J K Sherwood".

Honorable John K. Sherwood
United States Bankruptcy Court

Debtor: JOHN PATRICK O'GRADY
Case No.: 19-19513
Caption of Order: Order Authorizing Sale of Real Estate Free and Clear of Liens, Liens
if any to Attach to Proceeds

THIS MATTER being opened to the Court by JOHN W. SYWILOK , Chapter 7 Trustee, and due notice to all parties in interest having been given and the Court having considered Trustee's certification for authority to sell Debtor's interest in real estate property commonly known as 91 Midvale Mountain Road, Mahwah, New Jersey.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Trustee John W. Sywilok is authorized to sell the real estate commonly known as 91 Midvale Mountain Road, Mahwah, New Jersey to Agim Rrukaj, Arta Rrukaj, Gjergj Rrukaj and Nicky Rrukaj for a price of \$1,018,000.00 free and clear of liens with liens, if any, to attach to proceeds.
2. TIAA through its counsel is to file a revised certification of amount due and authority that Sheriff's fees are due even though this is a bankruptcy court approved sale by 2/4/2022 with any response to be filed by 2/9/2022. There is scheduled a Hearing before this Court on February 10th, 2022 at 4:00 PM for the purposes of determining the amount due and owing on the liens of TIAA FSB and Bank of America.
3. The Trustee is authorized to pay at closing the realtors' fees and municipal real estate taxes and costs of well testing and well treatment.
4. The Trustee is authorized to reimburse himself for supplying heating oil to premises from date when debtor moved from premises to closing date, cost of the dumpster as well as electrical services. The Trustee is also entitled to surcharge TIAA for the heating oil,

water treatment and well testing, dumpster, real estate taxes and electrical utilities all of which are reasonable, necessary costs and expense of preserving or disposing of TIAA's collateral.

5. Takako H. O'Grady, spouse of debtor is hereby directed to execute the Deed as to the property or any other documents required by the title company to effectuate the closing. In lieu of same the Trustee is authorized to sign in her behalf any documents.

6. The balance of the proceeds of sale shall be held by the Chapter 7 Trustee, John W. Sywilok pending further Order of this Court.

7. A Hearing is scheduled for April 5, 2022 at 10:00AM in regard to the distribution of any proceeds to Creditor, Barry R. Donaldson.

8. The stay provision of 6004H as to the sale of the property herein is hereby waived.

9. The Clerk shall serve notice of the entry of this order upon the Debtor, the Debtor's attorney, the United States Trustee and any other party who entered an appearance in this matter.